

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED

MICHAEL J. GARCIA

United States Attorney for

DOC #: 140971

Southern District of New York

By: JOSEPH N. CORDARO

Assistant United States Attorney

86 Chambers Street, Third Floor

New York, New York 10007

Telephone: (212) 637-2745

Facsimile: (212) 637-2686

Email: joseph.cordaro@usdoj.gov

ORIGINAL

*Motion granted as
Zandstra had been
returned to federal
custody. P SO orderf
Sweet
OSDV
4.2.08*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RANDALL ZANDSTRA,

Petitioner,

x : 08 Civ. 929 (RWS)

v.

UNITED STATES MARSHAL SERVICE and
UNITED STATES BUREAU OF PRISONS,

:
NOTICE OF MOTION
TO DISMISS FOR LACK
OF SUBJECT MATTER
JURISDICTION

Respondents.

x

PLEASE TAKE NOTICE that, upon the accompanying (1) Respondents' Memorandum
of Law in Support of Their Motion to Dismiss Petitioner Randall Zandstra's Petition for a Writ
of Habeas Corpus Pursuant to 28 U.S.C. § 2241, and (2) the Declaration of Rina Desai, dated
March 26, 2008, and the exhibit attached thereto, respondents United States Marshals Service
and Federal Bureau of Prisons, by and through their attorney, MICHAEL J. GARCIA, United
States Attorney for the Southern District of New York, will move this Court for dismissal of the

above-captioned petition for a writ of habeas corpus, pursuant to Fed. R. Civ. P. 12(b)(1), on the ground that the Court lacks subject matter jurisdiction over the petition.

Dated: New York, New York
March 31, 2008

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Respondents

By:



JOSEPH N. CORDARO
Assistant United States Attorney
Southern District of New York
86 Chambers Street, Third Floor
New York, NY 10007
Tel.: (212) 637-2745
Fax: (212) 637-2686
Email: joseph.cordaro@usdoj.gov